

14 September 2010

Dear Councillor

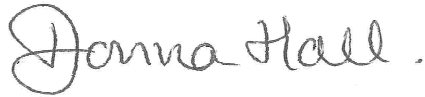
DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 14TH SEPTEMBER 2010

The following report was tabled at the above meeting of the Development Control Committee.

Addendum (Pages 97 - 104)

Report of Director Partnerships, Planning & Policy (enclosed)

Yours sincerely



Donna Hall
Chief Executive

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આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

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COMMITTEE REPORT			
REPORT OF	MEETING	DATE	ITEM NO
Director of Partnerships, Planning and Policy	Development Control Committee	14 September 2010	

ADDENDUM

Agenda Item 4(a) Application 10/00417/FULMAJ 202 Chorley Old Road, Whittle-le-Woods, Lancashire, PR6 7NA

The council has received notification of an appeal of non-determination in relation to this application (lodged 2nd September 2010), the implication of this being that the Local Authority no longer have the power to determine the application and that power now rests with the planning inspectorate.

The current recommendation is to approve the application, however, there is now no power to approve the application and the recommendation is therefore no longer valid. In circumstances such as this, the normal practice is to provide the Planning Inspectorate with a "*minded to*" resolution to say what the Council and Committee would have done if it had the power to determine the scheme as submitted.

The recommendation is therefore that Committee resolve that they would be "*minded to approve*" the application.

This application (10/00417/FULMAJ) was deferred by Members for a site visit at the Committee meeting on the 17th August 2010. The comments summarised in the addendum from that committee meeting have been incorporated into the report. Since then, additional comments for one neighbour have been received, the contents of which can be summarised as follows:

- Speaking at the Development Control Committee Meeting will make little difference to the outcome of the application;
- It has been announced in the Chorley Guardian that planning permission is likely to be granted for the above application;
- The land behind Chorley Old Road is farmland with a public footpath which is accessed from Copthurst Lane through Smith Street;
- The gardens debouching onto this footpath are fenced off from this land and have been for the last forty years;
- The proposal is should be considered as garden grabbing;
- When the application 09/00392/FULMAJ was dismissed at appeal, no further application should have been submitted.

An additional condition has been proposed to make good any damage that would be caused to No. 200 Chorley Old Road by the development. The condition is as follows:

- Before the development hereby permitted is first commenced, a scheme (including plans) shall be submitted to make good the gable end of No. 200 Chorley Old Road following the demolition of No. 202 Chorley Old Road (notwithstanding any such detail shown on previously submitted plan(s)). No development shall commence until such a scheme is approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved scheme.

Reason: To ensure a visually satisfactory form of development and to protect the amenities of the occupiers of nearby properties and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

Agenda Item 4 (b) Application Nos. 10/00446/FUL & 10/00447/LBC – Crostons Farm Barn, Lucas Lane, Whittle Le Woods

The following conditions and informatives are not on the main agenda. Also, the three year time limit condition on the main agenda is to be replaced by a one year time limit condition to ensure the development is commenced in a timely manner. The conditions and informatives therefore proposed as follows: -

1. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground surfacing materials (notwithstanding any such detail shown on the approved plans) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved ground surfacing materials.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 of the Chorley Borough Local Plan Review.

2. The proposed development must be begun not later than one year from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Before the development commences, full details of the treatment of all the proposed windows and doors to the barn and garage shall have been submitted to and been approved in writing by the Local Planning Authority. The submitted details shall include the proposed method of construction, the materials to be used, fixing details (including cross sections) and their external finish including any surrounds, cills or lintels. The windows and doors installed shall be in strict accordance with the approved details.

Reason: In the interests of the character and appearance of the building and in accordance with Policy Nos. GN5 and DC7B of the Chorley Borough Local Plan Review and PPS5.

4. Before the development commences, full details of the proposed rainwater goods, including the eaves detail, to be used on the barn and garage shall have been submitted to and been approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the building and in accordance with Policy Nos. GN5 and DC7B of the Chorley Borough Local Plan Review and PPS5.

5. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the garden curtilage boundaries (notwithstanding any such detail shown on the approved plans) shall have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property, in the interests of the adjacent listed building and in accordance with Policy Nos. GN5 and DC7B of the Chorley Borough Local Plan Review and PPS5.

6. Before the development commences full details, in the form of a work methodology statement, shall be submitted to and been approved in writing by the Local Planning Authority in relation to the remedial repair and repointing of the existing brickwork of the buildings (barn and proposed garage building). The required details shall include the method for maintaining the existing brickwork in situ and include the method of 'raking out' the existing joints, the type of mortar to be used and the finished profile of the pointing. The works shall only be carried out in strict accordance with the approved work methodology statement.

Reason: In the interests of the character and appearance of the Listed Building and in accordance with Policy No. DC7B of the Chorley Borough Local Plan Review and PPS5.

7. Before work commences, full details shall be submitted to and approved in writing by the Local Planning Authority in relation to the type of mortar to be used throughout the development. The required details shall include the ratio of the materials to be used in the mortar, its colour and the proposed finished profile of the pointing. The works shall only be carried out in accordance with the approved mortar details.

Reason: In the interests of the character and appearance of the Listed Building and in accordance with Policy No. DC7B of the Chorley Borough Local Plan Review and PPS5.

8. The development hereby permitted shall not commence until full details of the type, coursing and jointing of the natural stone to be used in the construction of the rebuilt and new external faces of the barn and garage (notwithstanding any detail shown on the approved plans) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and DC7B of the Chorley Borough Local Plan Review and PPS5.

9. No works shall take place until the applicant, or their agent or successors in title, have secured the implementation of a programme of building recording and analysis. This must be carried out by a professionally qualified archaeological/building recording consultant or organisation in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the Local Planning Authority. Upon completion of the programme of building recording and analysis it shall be submitted to the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historic importance associated with the building and in accordance with Policy No. DC7B of the Chorley Borough Local Plan Review and PPS5.

10. The integral/attached garage hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No. 7 of the Joint Lancashire Structure Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E) (as amended), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Chorley Borough Local Plan Review and PPS5.

12. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Chorley Borough Local Plan Review.

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which

within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Chorley Borough Local Plan Review.

14. The dwelling hereby permitted shall not be occupied until the reconfigured garage has been completed in full accordance with the approved plans and made available for the parking of vehicles associated with the owners/occupiers of the converted barn.

Reason: To ensure adequate parking is provided and in accordance with Policy No. TR4 of the Chorley Borough Local Plan Review.

15. The development hereby permitted shall not commence until samples of all external facing materials to be used in the renovation and reconstruction of the barn and garage (notwithstanding any details shown on the approved plans) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and DC7B of the Chorley Borough Local Plan Review and PPS5.

16. The scheme of conversion shall involve no more rebuilding other than that highlighted red by the plans in the Structural Appraisal Report date stamped 2nd September 2010.

Reason: To ensure no more rebuilding is carried out than necessary, to define the permission and in accordance with Policy No. DC7B of the Chorley Borough Local Plan Review.

Please Note: The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

Please Note: The barn may contain bats, which are protected species. Should the presence of bats become apparent during the course of construction works, all works should cease and advice should be sought from Natural England (Tel No. 01772 865224).

Agenda Item 4(c) Application 10/00459/FUL St Johns Ambulance Hall, 1 Granville Street, Adlington

An additional condition is proposed:

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide information on:

- the parking of vehicles of site operatives and visitors
- the hours of construction

Reason: To minimise disruption to neighbouring properties as the site is located close to residential properties in a cul-de-sac.

Agenda Item 4(e) Application 10/00653/FULMAJ Former Lex Multipart Distribution Limited, Pilling Lane, Chorley

The rear access for Plot 146 has been amended so that it can access its rear garden adequately for bin storage etc. As a consequence the rear garden to Plot 148 has been shortened to allow for level access to be provided to Plot 146. The rear access could not extend to the existing rear boundary due to the presence of the embankment that would have prevented level access. In addition it may have damaged some of the protected trees. The remaining section of the rear garden has now been allocated to Plot 149. Although the garden for Plot 148 will now be shorter, it still meets the minimum requirements for garden sizes as outlined in the Council's Design Guidance.

An amended plan condition will need to be added.

A letter of objection has been sent in by Mr Burgess on behalf of his mother who lives at 35 Southdowns Road, which is directly behind the application site. The letter raises the issue that the development, when first suggested, was just to build house on the same ground level that the former factory used to stand on. The Council has already allowed the ground to be raised by two metres and by allowing David Wilson Homes to raise the height of these properties by a further one and a half metres would make this development far more intrusive to neighbouring properties than what was ever first thought.

A further issue is raised in relation to the Council adopting more comprehensive consultation policies when it comes to planning applications to avoid the situation that Mr Burgess and his mother finds themselves in. (Reacting to a minor planning application when the major one has been passed as local residence we were totally bypassed by the process).

In answer to the issue about the raising of ground levels, this issue has been discussed in the Committee report paragraphs 16-18. In relation to no.s 33 and 35 Southdowns Road the proposed units will be around 1.5 metres higher than those dwellings originally approved. The revised properties have been moved 0.5 metres away and are 29 metres away from 35 Southdowns Road. The proposed dwellings are still at a lower level than the existing dwellings on Southdowns Road. The first floor window of the proposed dwellings would be at the equivalent height as ground floor windows on no. 35 Southdowns Road. The angle of no. 35 Southdowns Road is such that there would be no direct overlooking.

In answer to the consultation process carried out on the outline application. The outline application reference is 07/01226/REMMAJ, where there was extensive neighbour consultation carried out. Both numbers 33 and 35 Southdowns Road were included in this and there is a record on the computer system that letters were sent out in November 2007.

Agenda Item 6 Planning Appeals Notification Report

Please note that paragraphs 13 to 21 have been altered to correct an error in the original report. The amended report is appending.



Report of	Meeting	Date
Director of Partnerships, Planning and Policy	Development Control Committee	14 September 2010

PLANNING APPEALS AND DECISIONS - NOTIFICATION

PURPOSE OF REPORT

- To advise Committee of appeal notifications and decisions received from the Planning Inspectorate and notification of decisions received from Lancashire County Council and other bodies between 29 July and 30 August 2010.

RECOMMENDATION(S)

- That the report be noted.

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	X

PLANNING APPEALS LODGED

- Appeal by Telefonica O2 UK Ltd against the Development Control Committee's decision to refuse the prior notification for the erection of a 15m pole antenna and 2 associated ground base station equipment cabins (1.48m X 0.35m X 1.5m) at Land 5m North West Of 2 Studfold, Chancery Road, Astley Village (Application No. 10/00122/TEL).
- Appeal by Mr M Dunkerley against the delegated decision to refuse an application for certification of lawful use for the siting of a wheeled container/store at land between 77 and 81 The Farthings, Astley Village (Application No. 10/00353/CLPUD).
- Appeal by Wainhomes Developments Limited against the non-determination of a planning application for the development of 12 dwellings, infrastructure and incorporating 1 plot substitution, amendments to previously approved layout (08/00203/FULMAJ) at the former site of 605 Preston Road, Clayton-le-Woods (Application No. 10/00047/FULMAJ).

7. Appeal by GPS (North West) Ltd against the delegated decision to refuse an application for a certificate of lawfulness for single storey extensions to existing dwelling at Orcheton House Farm, Wood Lane, Heskin (Application No. 10/00291/CLPUD).
8. Appeal by Mr & Mrs Baines against the delegated decision to refuse planning permission for amendment to approved plans (09/00692/FUL) to form 1st floor extension at 102 Station Road, Croston (Application No. 10/00142/FUL).
9. Appeal by Mr A Hearn & Mrs M Hearn against the Development Control Committee's decision to refuse planning permission, against officer recommendation, for the erection of a detached house on land adjacent to Sidegate Cottage, Pompian Brow, Bretherton (Application No. 10/00006/FUL).
10. Appeal by Playdor against the delegated decision to refuse to remove a condition attached to the planning permission for a children's nursery restricting the number of children to 30 at 4 Chorley Hall Road, Chorley (Application No. 10/00468).

PLANNING APPEALS DISMISSED

11. Appeal by Mr & Mrs Thomas Maughan against the Development Control Committee's decision to refuse planning permission, against officer recommendation, for the erection of a detached bungalow at land 15m west of 176A Wood Lane, Heskin (Application No. 09/00708/FUL).

PLANNING APPEALS ALLOWED

12. None

PLANNING APPEALS WITHDRAWN

13. Appeal by Mr Richard Prideaux, GPS (Northwest) Ltd against the decision to refuse planning permission for a replacement agricultural workers dwelling, re-use and relocation of former dwelling as fishing training centre (re-submission of planning application 09/00678/FUL) at Orcheton House Farm, Wood Lane, Heskin (Application No. 09/00873/FUL).
14. Appeal by Mr & Mrs Baines against the delegated decision to refuse planning permission for amendment to approved plans (09/00692/FUL) to form 1st floor extension at 102 Station Road, Croston (Application No. 10/00142/FUL). (This appeal is reported in paragraph 8 above but has now been withdrawn).

ENFORCEMENT APPEALS LODGED

15. Appeals lodged against enforcement notices references EN626, EN627 and EN628 relating to erection of wall, pillars and gate; formation of hard-standing and change of use from nursery to plant depot at Springfields, Sandy Lane, Mawdesley.

ENFORCEMENT APPEALS DISMISSED

16. None

ENFORCEMENT APPEALS ALLOWED

17. None

ENFORCEMENT APPEALS WITHDRAWN

18. None

LANCASHIRE COUNTY COUNCIL DECISIONS

- 19. Planning permission granted for retrospective application for the replacement of the library windows at Chorley Library. (Application No. 10/00466/CTY)
- 20. Planning permission granted for the installation of a circular footpath to form an adventure trail providing a range of activity and agility equipment at Ecclestone Primary School, Doctors Lane, Ecclestone (Application No. 10/00575/CTY).

GOVERNMENT OFFICE DECISIONS

21. None

IMPLICATIONS OF REPORT

22. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	√

LESLEY-ANN FENTON
DIRECTOR OF PARTNERSHIPS, PLANNING AND POILCY

Report Author	Ext	Date	Doc ID
Louise Taylor	5220	06.09.2010	

Background Papers				
	Document	Date	File	Place of Inspection
4	Letter from the Planning Inspectorate	02.08.2010	10/00122/TEL	Civic Offices, Union Street, Chorley or online at www.chorley.gov.uk/planning
5	"	05.08.2010	10/00353/CLPUD	
6	"	06.08.2010	10/00047/FULMAJ	
7	"	11.08.2010	10/00291/CLPUD	
8	"	19.08.2010	10/00142/FUL	
9	"	20.08.2010	10/00006/FUL	
10	"	26.08.2010	10/00468/FUL	
11	"	17.08.2010	09/00708/FUL	
13	"	11.08.2010	09/00873/FUL	
14	"	23.08.2010	10/00142/FUL	
15	"	06.08.2010	EN626, EN627 & EN628	
19	Notice from Lancashire County Council	10.08.2010	10/00466/CTY	
20	"	31.08.2010	10/00575/CTY	